

COLEBROOK HISTORIC DISTRICT COMMISSION

RULES AND PROCEDURES
(As of 1988)

- Section 1. General
- Section 2. Organization of the Commission
- Section 3. Administrative Procedures
- Section 4. Meeting and Public Hearings
- Section 5. Certificates of Appropriateness
- Section 1 GENERAL

1. Purpose - The purpose of these regulations is to provide procedures and guidelines for the Colebrook Historic District Commission.

Section 2 ORGANIZATION OF THE COMMISSION

The Commission shall be organized in accordance with the applicable Statutes of the State of Connecticut (Sec. 7-147C) and the enabling ordinance of the Town of Colebrook dated May 13, 1963.

- 2.1 MEMBERSHIP - The Commission shall consist of five (5) members and three (3) alternate members, all of whom shall be electors of the Town, holding no salaried town office. The members of the Commission shall be appointed by Town Meeting, and the regular members shall be appointed in such a manner that the term of at least one member shall expire each year and their successors shall be appointed in like manner, for terms of five (5) years. Alternates shall be appointed in like manner. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. At least one member or one alternate member shall be resident within the historic districts. Any member or alternate may be appointed for another term or terms.
- 2.2 RESIGNATION - Resignations from the Commission shall be in written form and transmitted to the Chairman, who shall forward a copy to the First Selectman.
- 2.3 OFFICERS AND DUTIES
 - 2.3.1 CHAIRMAN - The Chairman shall preside at all meetings of the Commission and shall have the following duties:
 - 2.3.1.1 Appoint alternates to fill a vacancy caused by the absence of a regular Commission member at a meeting.
 - 2.3.1.2 Appoint committees.
 - 2.3.1.3 Appoint a clerk Pro Tem in the absence of the Clerk.

- 2.3.2 VICE-CHAIRMAN - The Vice-Chairman shall act for the Chairman in his absence and shall have the authority to perform duties described for that office.
- 2.3.3 CLERK - The Clerk (or secretary under the supervision of the Clerk) shall:
- 2.3.3.1 Keep the minutes and records of the Commission.
 - 2.3.3.2 Provide notice of all meetings to all Commission members.
 - 2.3.3.3 Arrange proper and legal advertisements of public hearings.
 - 2.3.3.4 Attend to the correspondence of the Commission.
 - 2.3.3.5 Maintain a monthly record of the Commission's expenditures on a fiscal year basis.
 - 2.3.3.6 File with the Connecticut Historical Commission at least once every year a brief summary of the Commission's actions during that year, including a statement of the number and nature of Certificates of Appropriateness issued and number denied, any changes in the membership of the Commission, and any other information deemed appropriate by the Commission.
- 2.4 COMMITTEES - Committees may be formed as needed.

Section 3. ADMINISTRATIVE PROCEDURES

- 3.1 MINUTES - Minutes shall be taken at each meeting of the Commission by the Clerk and shall be made available for public inspection. The minutes shall record votes of each member participating in resolutions, transactions, or determinations. Copies of the minutes shall be filed with the Town Clerk and Selectman's Office within seven (7) days of the meeting, Saturdays, Sundays, and legal holidays excluded.
- 3.2 LEGAL ADVERTISEMENTS - Notice shall be given in the form of a legal advertisement in a newspaper having a substantial circulation in the municipality. An additional copy of the notice shall be posted in the Town Office.

The legal notice shall contain, at a minimum, the purpose as well as the time, date, and place of the hearing.

- 3.3 An agenda shall be prepared by the Chairman for each meeting. A copy of the agenda shall be posted in the Town Office not less than 24 hours before any meeting. A copy of the legal notice shall serve as an agenda for public hearings.
- 3.4 REGULATION ENFORCEMENT - The Commission shall take action to prevent the violation of any rule or procedure contained herein, or any section of the applicable Statutes of the State of Connecticut.

Regulations and orders of the Commission shall be enforced by the Zoning Enforcement Officer and/or the Building Inspector, who shall require in writing the remedying of any condition that is found to be in violation.

Fines of not less than ten dollars nor more than one hundred dollars per day shall be imposed on any individual in the violation. Where the violation is found to be wilful, the fine shall be not less than one hundred dollars nor more than two hundred dollars for each day the violation continues.

- 3.5 RULES AND PROCEDURES REVISIONS - Revisions to these rules and procedures shall be reviewed at a public hearing. A majority vote of the Commission is required prior to adoption or revision.
- 3.6 CONFLICT OF INTEREST - If for any reason a regular Commission member finds him/herself in conflict with a particular issue, for personal or financial reasons, the individual shall abstain from any vote and discussion and the Chairman shall appoint an alternate to vote in place of that member.
- 3.7 EXECUTIVE SESSIONS - Executive sessions may be convened only by an affirmative vote of 2/3 of the members voting at a meeting and only when issues concern one or more of the following:
- 3.7.1 Individual personnel
 - 3.7.2 Strategy and negotiations with respect to pending litigation or claims.
 - 3.7.3 Selection of a site or a lease, sale, or purchase of real estate until transactions are completed or abandoned.
 - 3.7.4 Public records exempt from disclosure according to the provisions of the Freedom of Information Act, such as preliminary drafts or notes, etc.

Section 4. MEETINGS AND PUBLIC HEARINGS

- 4.1 MEETINGS - There are three types of meetings other than public hearings: annual meetings, special meetings, and preliminary hearings. All meetings and public hearings are open to the public.
- 4.1.1 The annual meeting shall be held the first Thursday after the Annual Meeting of the Town of Colebrook for the purpose of electing a chairman, a vice-chairman, and a clerk from among the newly appointed roster of

Commission members; and for such other business as may come before the meeting. Notice of this forthcoming meeting shall be given to the Town Clerk by December 1st of each year, and notice and agenda shall be posted in the Town Hall 24 hours prior to the meeting.

- 4.1.2 Special meetings are held on an as-needed basis. Meeting notices shall be posted with the Town Clerk at least 24 hours prior, stating time, place, and business to be transacted. No other business except that posted on the notice shall be considered at special meetings.
- 4.1.3 Preliminary hearings or "pre-hearings" may be held at the discretion of the Commission. Such informal preliminary hearings would be held with a potential applicant to discuss a project in a general way and could identify potential problem areas and expedite the application process.
- 4.1.4 Quorum - A quorum shall consist of four (4) members (excluding alternates except when designated to vote in the absence of a full member) of the Commission for the transaction of all business, either at meetings or public hearings.

4.2 PUBLIC HEARINGS

- 4.2.1 FREQUENCY - Public hearings shall be held:
 - 4.2.1.1 Upon receipt of an application for a Certificate of Appropriateness.
 - 4.2.1.2 As outlined in the State Statutes governing creation of new historic districts.
 - 4.2.1.3 At the discretion of the Commission when significant concerns or questions arise relating to the administration of the district.
 - 4.2.1.4 To adopt or revise the Rules and Procedures of the Commission.
- 4.2.2 LEGAL ADVERTISEMENTS - Notice of the time and place of a public hearing shall be given by publication in the form of a legal advertisement in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.

4.2.3 CONDUCT OF PUBLIC HEARINGS INVOLVING CERTIFICATE
OF APPROPRIATENESS

- 4.2.3.1 Who may appear - The applicant may appear in person, by agent, or by attorney at the hearing. The application shall be signed by the applicant or his lawful agent: and if the application is proposed by a person, firm, or corporation other than the owner involved, the application shall also be signed by the owner or his lawful agent.
- 4.2.3.2 Quorum - see 4.1.4 supra
- 4.2.3.3 Order of Hearing - Applications are heard in the order in which they are placed on file and as shown on the call for the hearing.
- 4.2.3.3.1 The roll call shall be read by the clerk.
- 4.2.3.3.2 The Chairman shall give a statement of the application.
- 4.2.3.3.3 The applicant shall give a detailed description of the application as well as present any supporting evidence such as blueprints, drawings, specifications as to materials, etc.
- 4.2.3.3.4 Upon completion of the presentation, the Commission shall have the opportunity to question the applicant.
- 4.2.3.3.5 After questions by the Commission, the Chairman shall ask for supporting testimony or comments of interested parties.
- 4.2.3.3.6 The Commission shall then have the opportunity to question those in support of the application.
- 4.2.3.3.7 Upon close of hearing supporting comments, the Chairman shall ask for comment by those in opposition to the application.

4.2.3.8 The Commission shall then have the opportunity to question those in opposition to the application.

NOTE: To maintain an orderly process, each side shall proceed without interruption by the other. Each individual authorized to speak shall give his name and address prior to commenting on a particular issue.

4.2.4 EVIDENCE AT HEARINGS - The proceedings for each application shall be minuted by the Clerk
Attachments to each application shall be recorded by the Clerk as exhibit in numerical order. Additional material or correspondence presented to the Commission during the course of the hearing shall be recorded in like manner.

Section 5. CERTIFICATE OF APPROPRIATENESS

No building or structure shall be erected, altered, restored, moved, or demolished within an historic district until an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to the commission and approved by said Commission. A Certificate of Appropriateness shall be required whether or not a building permit is required.

As used above, "erected" means constructed, built, or installed; "altered" means changed, modified, rebuilt, reconstructed, or enlarged; "building" means a combination of materials forming a shelter for persons, animals, or property; and "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences, and walls.

Exterior architectural features shall include such portion of the exterior structure as is open to view from a public street, way, or place.

The style, material, size, and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of the Commission.

In addition, no area within an historic district shall be expanded for industrial, commercial, business, home industry, or occupational parking whether or not such area is zoned for such use, until after an application for a Certificate of Appropriateness as to parking has been submitted and approved by the Commission.

Ordinary maintenance or repair which does not involve a change in the appearance or design, or alterations required for the public safety under permit issued by the Building Inspector, are subject to the exemptions and requirements of Section 147j of the Connecticut General Statutes.

If a building or structure is to be demolished, no demolition shall occur for 90 days from issuance of a demolition permit if during such time the Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During the 90-day period the town may abate all real estate taxes. At the conclusion of such 90-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this paragraph shall be construed to mandate

that the owner of such property sell such property, building, or structure.

5.1 APPLICATIONS

- 5.1.1 General - Applications for a Certificate of Appropriateness may be obtained at the Town Hall or from the Chairman of the Commission.

Applications should be accompanied by drawings, showing the nature of the work to be performed as well as a list of materials to be used. With respect to signs, the application should state the size, material, and proposed location(s). Any applications which concern the erection of a new building, or the extension or enlargement of an existing building shall include a site plan, prepared by an engineer or licensed surveyor, showing the location and size of the property, the location of other buildings on the property, and the elevation of proposed construction. The Commission shall take action on each application within 65 days of receipt, and failure to do so shall constitute approval.

5.1.2 PROCESSING

- 5.1.2.1 Completed applications shall be returned to the Chairman.
- 5.1.2.2 Completed applications shall be heard at the earliest convenience of the Commission.
- 5.1.2.3 A letter shall be sent to each applicant stating the date, time, and place of the public hearing at which his/her application will be heard.
- 5.1.2.4 An informal preliminary hearing may be held prior to the public hearing.

5.2 STANDARDS FOR DETERMINING APPROPRIATENESS

- 5.2.1 Buildings/structures - In determining appropriateness as to exterior features, the Commission shall consider, in addition to any other pertinent factors:

- 5.2.1.1 Historical and architectural value
- 5.2.1.2 Architectural style
- 5.2.1.3 Scale
- 5.2.1.4 General design

5.2.1.5 Arrangement

5.2.1.6 Texture and material of the architectural features.

5.2.1.7 Type and style of exterior windows, doors, light fixtures, signs, aboveground utility structures, mechanical appurtenances, and type and texture of building materials.

5.2.1.8 The relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood.

5.2.2 PARKING AREAS - The Commission shall consider the visibility of cars parked therein, the closeness of such areas to adjacent buildings, and other similar factors.

5.2.3 VARIATIONS - Where, by reason of topography or because of other unusual circumstances, strict adherence to the standard would impose exceptional practical difficulty or undue hardship on the applicant, the Commission may vary or modify its standards so as to relieve such difficulty or hardship, provided such variation remains in harmony with the general character of the district.

5.3 ACTIONS BY THE COMMISSION - The Commission, after its deliberations, shall act on each application by majority vote at a special meeting, which may be held immediately upon the close of deliberations.

5.3.1 APPROVAL - If the Commission approves the application, a Certificate of Appropriateness shall be issued. The Certificate may contain additional stipulations clarifying or identifying types of materials, etc. A copy of the Certificate shall be mailed to the applicant. Additional copies, as well as copies of the application, shall be distributed to the Building Inspector for his file and to the Town Clerk and a copy, along with the original application and attachments, shall be maintained in the Commission's file.

Certificates shall be valid for a period of one year from the date of issue. Extensions of six-month periods may be granted upon request from the Certificate holder.

Approved Certificates, where the approved work has not been started or completed, shall be withdrawn upon transfer of property ownership. The Certificate shall be reinstated by the Commission without a public